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10/603,080

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EXAMINER

NGUYEN, DUSTIN

ART UNIT

PAPER NUMBER

2154

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,080	<b>Applicant(s)</b> JAASKELA ET AL.	
	<b>Examiner</b> Dustin Nguyen	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1, 3-17 are presented for examination.

#### ***Claim Objections***

2. Claims 1, 7, 8, 14, 15, 17 are objected to because of the following informalities: “a tariff” should be corrected as “the tariff”. Appropriate correction is required.

#### ***Response to Arguments***

3. Applicant's arguments filed 08/13/2007 have been fully considered but they are not persuasive.
4. As per remarks, Applicant's argued that (1) Hazelwood and Bot do not teach or suggest transmitting to an operator determination function, of the network, a first message requesting a tariff for a connection, forming at the operator determination function a modified subscriber identity and a second message requesting a tariff for the connection and transmitting the second message to a tariff determination function as recited in claims 1 and 17.
5. As to point (1), as previous rejected, Hazelwood discloses a system and method for determining a tariff for a real-time wireless service for a wireless telephone call [ Abstract ]. The system of Hazelwood includes PPS Service Script [ i.e. an operator determination function

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as claimed ] [ 27, Figures 2 and 3 ], and a PPS Service Data Point (SDP) [ i.e. a tariff determination function as claimed ] [ 22, Figures 2 and 3 ]. In operation during call setup, the PPS Service Scripts of Hazelwood receives an IDP message transmitted from GMSC/SSF [ i.e. transmitting to an operator determination function, of the network, a first message request a tariff for a connection ] [ 31, Figures 2 and 3; Abstract; and col 4, lines 56-67 ]. The PPS Service Scripts, using the help of LNPP and LNP database, determines a prefix used to identify whether the call is within the operator's Own Network, or in another network [ 32-35, Figures 2 and 3; and col 5, lines 1-30 ]. The PPS Service Script may be modified to add the correct prefix to Originating/Terminating Location information parameters that is sent as part of each rated event [ i.e. forming at the operator determination function a modified subscriber identity and a second message requesting a tariff for the connection ] [ 36, Figures 2 and 3; col 5, lines 31-52; col 6, lines 12-19; and col 7, lines 20-27 ], then the PPS Service Script sends to the PPS SDP for rating [ i.e. transmitting the second message to a tariff determination function as claimed ] [ col 5, lines 32-38; and col 6, lines 12-16 ]. As stated in previous claims rejection and remain rejected as shown below, Hazlewood does not specifically disclose the modified subscriber identity having as its second field at least the content of the second field of the subscriber identity of the terminal that is to terminate the connection and having as its first field the said content of the first field that is associated with that operator. However, Bot discloses the modified subscriber identity having as its second field at least the content of the second field of the subscriber identity of the terminal that is to terminate the connection and having as its first field the said content of the first field that is associated with that operator [ i.e. redirect message comprising a destination number comprising the number sent from the terminal and the prefix

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added by the SCF ] [ Figure 2; Abstract; and paragraphs, 0005, 0006, 0009 and 0019, lines 24-40 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hazlewood and Bot because the teaching of Bot would allow implementation as well as maintenance of a service is easy, as the IN service to be accessed as well as a determination of the prefix is located in the same network [ Bot, paragraphs 0006 ].

6. As per remarks, Applicant's argued that (2) claim 1 recites as operation determination function which performs an initial pre-processing of the tariff request and the present invention pre-processes the request message, in the operation determination function, prior to sending it to a convention tariff determination server, on the other hand, in Hazelwood, the tariff determination server has to perform its own checks, it is the tariff determination function of the network which is forced to carry out the determination of whether or not the number has been ported in Hazelwood.

7. As to point (2), first, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., operation determination function which performs an initial pre-processing of the tariff function) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, Hazelwood discloses the PPS Service Script uses the help of the LNPP and LNP database to determine the prefix, then add that prefix to the Originating/Terminating Location Information parameter, and forward to

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the PPS SDP for rating [ i.e. operation determination function performs pre-process the request message prior to sending it to a tariff determination server ] [ Figures 2 and 3; col 5, lines 1-col 6, lines 19 ].

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-9, 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazelwood [ US Patent No 7,043,229 ], in view of Bot et al. [ US Patent Application No 2004/0242226 ].

10. As per claim 1, Hazelwood discloses the invention as claimed including a method for determining a tariff to be applied to a connection in a communication system by means of which connections may be made to terminals associated with any of a plurality of operators, each terminal being addressable by means of a subscriber identity formatted to include a first field and a second field, the first field being, for at least some of the subscriber identities indicative of the operator with which a respective subscriber identity is associated [ i.e. a system or method for determining a tariff for wireless calls made to or from ported directory numbers ] [ Abstract; col 1, lines 9-13; and col 2, lines 21-31 ], the method comprising:

transmitting to an operator determination function of the network a first message requesting a tariff for a connection [ i.e. MSC/SSF or GMSC/SSF sends a IDP message to the SCP ] [ 31, Figure 2 and 3; col 4, lines 56-60; and col 5, lines 53-60 ] and including a subscriber identity field comprising an indication of the subscriber identity of the terminal that is to terminate the connection [ i.e. a call setup message containing a called party number ] [ col 2, lines 35-41; and col 4, lines 65-67 ];

receiving the first message at the operator determination function [ i.e. the message is received by the PPS Service Scripts ] [ 27, Figures 2 and 3; Abstract; col 2, lines 35-37; and col 4, lines 58-60 ];

determining by means of the operator determination function the operator to which the subscriber identity of the terminal that is to terminate the connection is assigned [ i.e. the scripts determine whether the routing number points to the network operator's own network or another ] [ Abstract; col 2, lines 23-31; and col 5, lines 15-19 ], and content of the first field that is associated with that operator [ i.e. prefix values ] [ col 5, lines 19-47 ];

forming a second message requesting a tariff for a connection and including a subscriber identity field comprising the modified subscriber identity [ i.e. based on the result of the query, the PSL scripts add the correct prefix and send to the PPS SDP for rating ] [ 56, Figures 4 and 5; and col 6, lines 51-58; and col 7, lines 20-27 ]; and

transmitting the second message to a tariff determination function arranged to analyse a subscriber identity received in a message requesting a tariff for a connection to determine a tariff based on the first field of the received subscriber identity [ i.e. send to PPS SDP for rating ] [ col 3, lines 2-5; col 4, lines 19-23; and col 7, lines 28-44 ].

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Hazlewood does not specifically disclose

forming at the operator determination function a modified subscriber identity having as its second field at least the content of the second field of the subscriber identity of the terminal that is to terminate the connection and having as its first field the said content of the first field that is associated with that operator.

Bot discloses

forming at the operator determination function a modified subscriber identity having as its second field at least the content of the second field of the subscriber identity of the terminal that is to terminate the connection and having as its first field the said content of the first field that is associated with that operator [ i.e. redirect message comprising a destination number comprising the number sent from the terminal and the prefix added by the SCF ] [ Figure 2; Abstract; and paragraphs, 0005, 0006, 0009 and 0019, lines 24-40 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hazlewood and Bot because the teaching of Bot would allow implementation as well as maintenance of a service is easy, as the IN service to be accessed as well as a determination of the prefix is located in the same network [ Bot, paragraphs 0006 ].

11. As per claim 3, Hazlewood does not specifically disclose transmitting together with the indication of the subscriber identity of the terminal that is to terminate the connection an indication of the type of the connection; forming the second message so as to include the indication of the type of the connection; and wherein the tariff determination function is



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arranged to determine the tariff based on the first field of the received subscriber identity and the indication of the type of the connection. Bot discloses transmitting together with the indication of the subscriber identity of the terminal that is to terminate the connection an indication of the type of the connection; forming the second message so as to include the indication of the type of the connection; and wherein the tariff determination function is arranged to determine the tariff based on the first field of the received subscriber identity and the indication of the type of the connection [ i.e. determining the type of IN service from the In service type identification number ] [ 22b, Figure 2; and paragraphs 0010, 0011 and 0019, lines 40-45 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hazlewood and Bot because the teaching of Bot would allow implementation as well as maintenance of a service is easy, as the IN service to be accessed as well as a determination of the prefix is located in the same network [ Bot, paragraphs 0006 ].

12. As per claim 4, Hazlewood discloses wherein the operator determination function has access to a first database that stores a list of subscriber identities and for each one an indication of the operator with which the respective subscriber identity is associated, and wherein the said determining step includes looking up the subscriber identity of the terminal that is to terminate the connection in the first database and retrieving any indication of an operator associated therewith in the first database [ i.e. Local Number Portability database ] [ 13, Figures 2-5; and col 1, lines 51-col 2, lines 12 ].

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13. As per claim 5, Hazlewood discloses wherein the indication of an operator is the said content of the first field that is associated with that operator [ i.e. prefix values ] [ col 5, lines 15-47 ].

14. As per claim 6, Hazlewood discloses wherein the operator determination function has access to a second database that stores a list of indicators of operators and for each one content of the first field that is associated with that operator, and the said determining step comprises looking up the said indication of an operator in the second database and retrieving content of the first field associated therewith [ i.e. prefix values table ] [ col 5, lines 15-47; and col 6, lines 45-58 ].

15. As per claim 7, Hazlewood discloses wherein the subscriber identity field of the message requesting a tariff for a connection does not include the first field of the subscriber identity of the terminal that is to terminate the connection [ i.e. IDP message contains the MSISDN of the PPS subscriber and the CdPN ] [ col 4, lines 65-67; and col 5, lines 59-60 ].

16. As per claim 8, Hazlewood discloses wherein if in the said determining step it is determined that the content of the first field of the subscriber identity of the terminal is associated with the operator to which that subscriber identity is assigned, the second message requesting a tariff for a connection is formed with its subscriber identity field comprising the subscriber identity unmodified [ i.e. if number is not ported ] [ col 5, lines 38-41; and col 6, lines 41-45 ].

17. As per claim 9, Hazelwood discloses wherein the messages are IDP messages [ Abstract; and col 5, lines 59-60 ].

18. As per claim 11, Hazlewood discloses wherein each subscriber identity is a telephone number [ i.e. ported telephone number ] [ Abstract; and col 2, lines 21-31 ].

19. As per claim 12, Hazlewood discloses wherein each first field is an operator prefix [ i.e. prefix values ] [ col 5, lines 19-47 ].

20. As per claim 13, Hazlewood discloses wherein the tariff determination function comprises one or more of a service control point (SCP) of an intelligent network (IN) and a service control function (SCF) [ Figures 2-5; and col 4, lines 46-55 ].

21. As per claim 14, Hazlewood discloses wherein each message requesting a tariff for a connection comprises a source field for indicating the source of the message, the source field of the first message comprises an indication of the source of the first message and the source field of the second message comprises an indication of the source of the first message [ col 4, lines 56-67; and col 6, lines 2-11 ].

22. As per claim 15, Hazlewood discloses the tariff determination function determining a tariff for the connection; and applying the tariff to the connection [ col 7, lines 14-27 ].

23. As per claim 16, Hazlewood does not specifically disclose wherein the connection is a connection for transfer of data. Bot discloses wherein the connection is a connection for transfer of data [ i.e. voice mail ] [ paragraph 0002 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hazlewood and Bot because the teaching of Bot would allow implementation as well as maintenance of a service is easy, as the IN service to be accessed as well as a determination of the prefix is located in the same network [ Bot, paragraphs 0006 ].

24. As per claim 17, it is rejected for similar reasons as stated above in claim 1.

25. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazlewood [ US Patent No 7,043,229 ], in view of Bot et al. [ US Patent Application No 2004/0242226 ], and further in view of Aijala [ US Patent Application No 2002/0176405 ].

26. As per claim 10, Hazlewood and Bot do not specifically disclose wherein the messages are SIP INVITE. Aijala discloses wherein the messages are SIP INVITE messages [ Figure 2; Abstract; and paragraphs 0024 and 0025 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hazlewood, Bot and Aijala because Aijala's teaching of SIP messages would allow to create, modify, and terminate voice calls carried over an IP network [ Aijala, paragraph 0002 ].

**27. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long, sweeping horizontal stroke extending to the right.